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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1935/2025**

VISHNU KUMAR AGARWAL & ORS.Petitioners

Through: Mr. Anurag Soan, Mr.
Nishank, Mr. Pradeep
Singh, Mr. Akshay Saxena
and Mr. Rituraj, Adv.

versus

THE STATE OF NCT OF DELHI & ORS.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State with
Insp. Ajay Kumar and SI
Kuldeep Bhatt, PS EOW.
Mr. Prabhat Kumar, Adv.
for R-4 / NSDC.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

24.03.2025

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CRL.M.A. 8686/2025 (*exemption from filing typed copies of the faint / illegible / dim / handwritten annexures without proper left side margin*)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 1935/2025 & CRL.M.A. 8685/2025 (*for interim relief*)

3. By the present petition, the petitioners seek quashing of summons dated 22.02.2025, issued by the Sub-Inspector, Sec-III, Economic Offences Wing, Delhi.
4. The petitioners are aggrieved on receiving the summons



essentially for the reason that they have already settled the dispute with the complainant and have entered into a settlement agreement dated 09.11.2024.

5. It is pointed that the complainant has agreed that he would cooperate in getting the criminal proceedings closed.

6. The petitioners are aggrieved that repeated summons under Section 91 of the Code of Criminal Procedure, 1973 (**CrPC**) have been issued despite the dispute being settled.

7. The learned counsel for the petitioners submits that on an earlier occasion also, summons were received and a detail reply was sent by the petitioners to the Police authorities. He is aggrieved that similar summon has been received again.

8. It is not disputed that 58 companies are involved in the FIR. It is alleged that these companies, and their ex-employees hatched a criminal conspiracy to cheat Respondent No. 4. It is alleged that these companies first get loans allocated to their related entities, and thereafter misappropriate the loan amount for purpose other than the one for which the loan had been extended. It is alleged that in such fashion, loan accounts of Respondent No. 4 amounting to approximately ₹198 crores have turned NPAs.

9. The petitioners are the office bearers of one of the accused company. The same does not preclude the Police from investigating the case. During the course of investigation, the Police is empowered to issue summons under Section 91 of the CrPC even to the accused who claims to have settled the dispute since FIR cannot be closed for the reason of settlement with one of the accused. The petitioners may have settled their liability but it cannot be argued that they have no relevant information that



may be required by investigating agency for the purpose of investigation. Appropriate report will be filed by the authorities after completing the investigation.

10. In regard to the submission that repeated summons have been served for which information has already been supplied, the learned Additional Public Prosecutor for the State submits that the summons were issued on the Investigating Officer requiring the need for such documents.

11. He submits that it is a possibility that the documents are not available if ever supplied by the petitioners on an earlier occasion.

12. He submits that the Investigating Officer is aware that the petitioners have already settled the dispute with the complainant and therefore, any apprehension in regard to the coercive steps at this stage is misconceived.

13. The petitioners are senior citizens and are not residents of Delhi and therefore, sending repeated summons in some circumstances, can be termed as harassment. However, the summons are only under Section 91 of the CrPC requiring the documents to be sent for the purpose of further investigation.

14. The learned Additional Public Prosecutor for the State, on instructions, assures that unnecessary summons would not be served on the petitioners and the investigation will be brought to a logical conclusion expeditiously.

15. In view of the above, this Court does not consider it apposite to entertain the present petition at this stage.

16. The petitioners are directed to provide the details, as required by the Investigating Officer, within a period of four weeks.



17. Needless to state, the petitioners are at liberty to approach this Court in case any grievance remains in future.

AMIT MAHAJAN, J

MARCH 24, 2025

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